

#### **401 KAR 63:025. Asphalt paving operations.**

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET  
Department for Environmental Protection  
Division for Air Quality

Relates to: KRS Chapter 224.20-100, 224.20-110, 224.20-120

Pursuant to: KRS 13.082, 224.10-100

Necessity and Function: KRS 224.10-100 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the control of volatile organic compound emissions due to asphalt paving operations.

**Section 1. Definitions.** Terms used in this regulation not defined in this section shall have the meaning given to them in 401 KAR 50:010.

- (1) "Asphalt paving operations" means the use of asphalt in any paving operation, public or private, including, but not limited to paving of roads, paving of parking lots, maintenance operations, application of tack coats, sealants, etc.
- (2) "Asphalt" means a dark-brown to black cementitious material (solid, semisolid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum.
- (3) "Cutback asphalt" means asphalt cement which has been liquefied by blending with VOCs as diluents. Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function.
- (4) "Emulsified asphalt" means an emulsion of asphalt cement, VOCs, and water which contains a small amount of an emulsifying agent; a heterogeneous system containing two (2) normally immiscible phases (asphalt and water) in which the water forms the continuous phase of the emulsion, and minute globules of asphalt form the discontinuous phase.
- (5) "Maintenance operation" means patching of holes and breaks in pavement as is necessary for safety.
- (6) "Penetrating prime coat" means an application of low- viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and plugs the voids, hardens the top, and helps bind it to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt paving.
- (7) "Unacceptable emulsion asphalt" means any emulsion asphalt which yields more than seven (7) percent by volume of oil distillate when tested according to AASHTO T 59-78, Sections 7 to 9, which have been incorporated by reference in 401 KAR 50:015.

#### **Section 2. Applicability**

This regulation is applicable to all asphalt paving operations which are located in a county or portion of a county which is designated ozone nonattainment, for any nonattainment classification except marginal, under 401 KAR 51:010.

**Section 3. Standard for VOCs.** On or after April 1, 1980, no person shall use cutback asphalts or unacceptable emulsion asphalts for asphalt paving

operations. If this requirement becomes applicable because the county was previously designated nonurban nonattainment or redesignated in 401 KAR 51:010 after November 15, 1990, compliance is extended to May 31, 1995.

**Section 4. Exemptions.** This regulation shall not apply to the following asphalt paving operations:

- (1) Application of penetrating prime coat;
- (2) Dust suppression operations;
- (3) Maintenance operations during the months of November, December, January, February, and March.

Effective Date: June 24, 1992.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
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1st Revision	OCT 20, 1992	JUN 23, 1994	59 FR 32343